

BUGLE NURSERIES,  
171 UPPER HALLIFORD ROAD,  
SHEPPERTON

## **Landscape & Visual Proof of Evidence**

Chris Jenkinson BA (Hons) DIP LA CMLI

**Local Authority Reference:**  
22/01615/OUT

**Appeal Reference:**  
APP/Z365/W/23/3325635

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## **1. EXPERIENCE AND QUALIFICATIONS**

- 1.1. My name is Chris Jenkinson. I hold a Bachelor of Arts with Honours Degree in Landscape Architecture and a Post Graduate Diploma in Landscape Architecture from the University of Gloucestershire. I am a Chartered Member of the Landscape Institute (CMLI). I am an Associate Director at Aspect Landscape Planning Ltd, a practice that provides landscape planning and design services to the private and public sectors.
- 1.2. I have been with Aspect Landscape Planning Ltd since 2005 and soon after its inception. Over the past 18 years I have advised on landscape issues relating to renewables, health care, residential, retail, commercial and employment schemes. Many of the sites I have advised clients on are in, or adjacent to, sensitive areas including Green Belt, Areas of Outstanding Natural Beauty, Historic Parks and Gardens, National Parks, Conservation Areas, and areas containing Listed Buildings.
- 1.3. As part of my work at Aspect, I regularly prepare detailed Landscape and Visual Impact Assessments (LVIA's) either as stand-alone documents, evidence for presentation at public inquiry or hearing, or as chapters within wider Environmental Statements together with broader landscape planning advice. In addition to the preparation of LVIA's, I am also regularly involved with a number of landscape design projects, which range from high level strategic proposals, down to detailed planting and hard landscape design associated with the discharge of planning conditions and technical construction drawings.
- 1.4. My time at Aspect has allowed me to develop a thorough understanding and appreciation of how landscape character and the visual environment work in combination and how the perception of development can be moderated by variations in character and the presence of landscape features and high-quality landscape design, which not only assists the integration of development but in placemaking and the creation of useable, high quality spaces.

### **Declaration**

- 1.5. The evidence I have prepared represents my professional opinion on the objective and subjective aspects of the development in relation to landscape and visual effects. Based on my knowledge, I believe the facts stated in this evidence are true and accurate and I have complied with my professional Code of Conduct.

## 2. BACKGROUND AND SCOPE OF EVIDENCE

### Appeal Background

- 2.1. The Appeal relates to an outline planning application 22/01615/OUT on land at Bugle Nurseries, 171 Upper Halliford Road, Shepperton. The description of development is as follows; ***“Outline application with approval sought for scale, access and siting, with details of appearance and landscaping reserved, for the demolition of existing buildings and structures, removal of waste transfer facility and the redevelopment of the site for up to 80 residential units and the provision of open space and a play area, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes”.***
- 2.2. The appeal is made following the failure of Spelthorne Borough Council to determine the application. As such no specific landscape and visual related reasons for refusal were put forward by the Council at the time of the appeal. The Council’s SoC (**CD3.5**) states that if an appeal had not been lodged against non-determination, the application would have been recommended for refusal and the reasons for refusal will form the basis of the Council’s case in relation to the appeal.
- 2.3. This includes the assertion within Reason for Refusal 1 that ***“It will result in the site having a more urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within in it.”***
- 2.4. It is noted that the principle of residential development on the Site is established. The Site benefits from an extant outline planning permission for the redevelopment of the Site for up to 31 dwellings (Ref: 20/00123/OUT / APP/Z3635/W/21/3268661 – Appeal B) that was allowed at appeal on 15<sup>th</sup> July 2021. The consented scheme did not constitute inappropriate development within the Green Belt as the development was contained to the area of previously developed land within the Site.
- 2.5. It is also relevant to note that a second linked appeal was dismissed by the Inspector for up to 43 dwellings and a 62-bed care home (Ref: 19/01022/OUT / APP/Z3635/W/20/3252420 – Appeal A). The Inspector concluded that this scheme, unlike the allowed appeal discussed above, was inappropriate development in the Green Belt and at that time, very special circumstances did not exist to overcome the harm to the Green Belt necessary to justify the development. The perceived harm identified by the Inspector was principally due to the scale and height of the proposals

which included a larger scale care home and apartment block located in close proximity to Upper Halliford Road.

- 2.6. The application to which this Appeal relates to was supported by a GLVIA3 compliant Landscape & Visual Impact Assessment (LVIA) (**CD1.15**) and Landscape Strategy Plan (**CD1.16**) prepared by Aspect Landscape Planning Ltd.
- 2.7. During the course of the application, no landscape related consultation comments or request for further landscape information were received from the Council.
- 2.8. No alternative site specific qualitative landscape assessment has been undertaken by the Council to dispute the findings of the submitted LVIA.
- 2.9. I support the content and conclusions made in respect of landscape and visual effects within the submitted GLVIA3 compliant LVIA (**CD1.15**) and reference this in my evidence to avoid repetition or duplication of material before the inquiry.

#### **Scope and form of Evidence**

- 2.10. I am instructed by Angle Property (RLP Shepperton) LLP (“the Appellant”) to provide specialist landscape and visual evidence for the public inquiry in respect of land at Bugle Nurseries, 171 Upper Halliford Road, Shepperton (“the Appeal Site”).
- 2.11. The Appeal Site does not contain any notable landscape features that elevate it above that of ordinary countryside, that it’s contribution to the wider landscape is limited due to the visually and physically enclosed nature of the Site. It is common ground (**CD6.3** Officer Site Assessments – Draft Local Plan Allocations Pages 90 - 97 and **CD6.6** Green Belt Assessment Stage 3 Report Pages 28 & 29) that the existing uses of the Appeal Site are detrimental to the localised character and that the proposed development offers betterment through the removal of the bad neighbour uses, remediation of the Site and will not result in significant adverse effect on the landscape at either a national or district level.
- 2.12. My evidence will set out the background to the landscape work and provide an overview of the landscape and visual effects, with reference to the originally submitted Landscape & Visual Impact Assessment (LVIA) (**CD1.15**). I will then address the landscape related issues having specific regard to the effect upon the openness of the Green Belt.

- 2.13. My evidence is based upon the relevant guidance and established methodology within the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) (**CD9.1**) published by the Landscape Institute and the Institute of Environmental Management and Assessment in April 2013. I would note that the GLVIA is a guidance tool relating to best practice and is not prescriptive.
- 2.14. My evidence should be considered alongside the other evidence prepared on behalf of the appellant, particularly that of Mr Edward Ledwidge of Montagu Evans (dealing with planning matters).

### 3. OVERVIEW OF PLANNING POLICY

- 3.1. The full details of the relevant planning policy and weight given is set out in Mr Ledwidge's evidence.
- 3.2. The Appeal Site lies within the Metropolitan Green Belt but is not subject to any qualitative landscape designations. Nor is the Site subject to any ecological or heritage designations.

#### **National Planning Policy Framework (NPPF)**

- 3.3. The document sets out the Government's planning policies for England and how these are expected to be applied and is a material consideration in planning decisions. The document places an emphasis on the promotion of sustainable growth whilst also protecting the environment.

#### Presumption in Favour of Sustainable Development

- 3.4. Part d of Paragraph 11 of the NPPF notes that plans and decisions should apply a presumption in favour of sustainable development, and for decision making this means:

***“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.***

- 3.5. Footnotes to the above clarify that policies referred to in Part i of Paragraph 11(d) above include those relating to land designated as Green Belt.
- 3.6. Paragraph 149 (g) of the NPPF deals with the construction of new buildings within the Green Belt. Accordingly the presumption in favour of granting planning permission applies in this case. Two questions arise. Firstly, whether the proposal is for appropriate development under Paragraph 149 (g) of the NPPF. Secondly, and only if not, whether there are very special circumstances that clearly outweigh the harm to the Green Belt



and any other harm. In this regard it should be noted that the Council does not allege “any other harm” whatsoever.

### Design

- 3.7. Design is dealt with in Section 12 which sets out the objectives for achieving “well-designed places”. Para 130 states that: ***“Planning policies and decisions should ensure that developments:***
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development:***
  - b) are visually attractive as a result of good architecture, layout and effective landscaping:***
  - c) respond to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities):***
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive and distinctive places to live, work and visit:***
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and***
  - f) create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”***

### Green Belt

- 3.8. Section 13 of the NPPF concerns the protection of the Green Belt, to which the Government attaches great importance.
- 3.9. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (Paragraph 137). The Green Belt serves five purposes (Paragraph 138):
- To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns merging into one another;

- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist regeneration, encouraging the recycling of derelict and other urban land.

3.10. It should be noted that it is not a requirement of Paragraph 149(g) to assess the impact of development proposals on the five purposes of the Green Belt. Paragraph 149(g) is entirely consistent with the protection of the Green Belt.

3.11. Paragraph 145 is important to this appeal and states that ***“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”*** This is precisely what the Appeal Proposals seek to do.

3.12. In terms of proposals affecting the Green Belt, Paragraphs 147-148 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. New buildings are inappropriate in Green Belt except where they meet the requirements of Paragraph 149 (g) which includes:

***“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.***

#### Natural Environment

3.13. Section 15 concerns the natural environment. It requires the planning system to contribute towards and enhance the natural and local environment by; protecting and

enhancing valued landscapes, recognising the wider benefits of natural capital and ecosystem services, minimising impacts on and providing gains in biodiversity, preventing pollution and remediating derelict, contaminated and unstable land (paragraph 174).

### **The Council's Development Plan**

3.14. The statutory Development Plan comprises of:

- Spelthorne Core Strategy and Policies DPD – Adopted February 2009
- Spelthorne Allocations DPD and Proposals Map – Adopted December 2009
- Saved policies of the Spelthorne Local Plan 2001.

3.15. The Council cited a number of reasons for refusal and development Plan policies it considered the Appeal Proposals does not comply with;

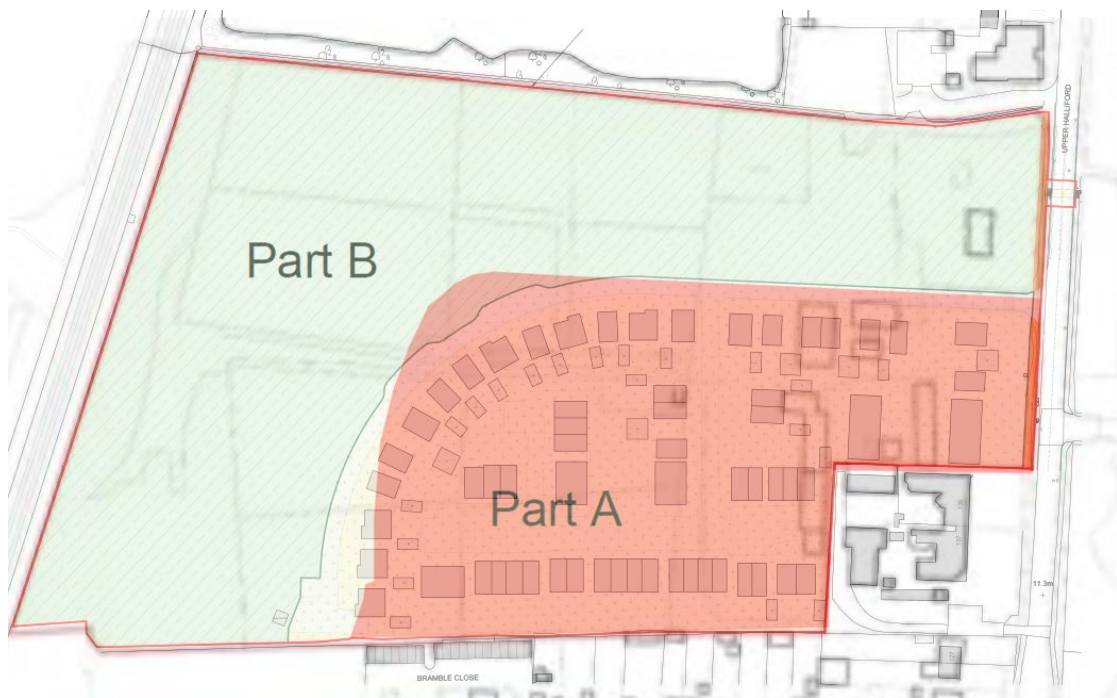
- Policy GB1 – this policy relates to development proposals within the Green Belt; and
- Policy HO4 – identifies the Council's preferred dwelling size mix which should reflect the needs of the community' by providing 80% of the proposed units as one or two bedroom homes, as well as extra care housing and housing for people with disabilities.

3.16. Further detail on the Council's Development Plan policies and weight applied is set out by Mr Ledwidge.

### **Emerging Local Plan Draft Allocation**

3.17. It is noted that in addition to the principle of development being acceptable as result of the extant consent for 31 dwellings, the Appeal Site has also been identified by the Council as an appropriate location for potential residential development within the emerging draft Local Plan (**CD6.1**). The Appeal Site is included as Site HS1/009.

3.18. The below **Figure CJA** is an extract of the draft allocation identifying the developable area of 2.28ha and release from the Green Belt (Part A) and the remainder 2.55ha to the north and west retained as Green Belt as part of a landscape buffer (Part B) overlaid with the Appeal Proposal Parameter Plan.



Above: **Figure CJA** Extract from Emerging Local Plan Allocation Site HS1/009 Overlay.

- 3.19. The site specific requirements for Part B include the provision of a publicly accessible open space and the creation and maintenance of a buffer along the northern boundary to retain and enhance the Green Belt function of no less than 50m that makes a positive contribution to the wider environment and character. It is noted that the extant consented scheme on the Appeal Site does not facilitate this aspiration of the Council as residential development extends within the north eastern corner. The Appeal Proposals have sought to respond to this requirement of the emerging draft allocation and provides betterment in terms of the Green Belt function over and above the existing situation and the consented scheme.
- 3.20. The Draft Local Plan Reg 19 Site Allocations – Officer Site Assessments, June 2022 (**CD6.3**) provides some further analysis on the suitability of the Appeal Site and includes a number of sustainability appraisal objectives alongside some justification and comments. Of particular note in landscape and visual terms, is;
- *Objective 6 – to conserve and enhance biodiversity, habitat and species, which provides commentary that; “**The site currently has limited biodiversity value due to its current role however the area to the rear could have some value. A housing development with open spaces and landscaping could enhance this.**”*

- **Objective 8** – to protect, enhance and manage Borough’s open space and landscape character, which provides commentary that; ***“The site offers no benefit in terms of open space in its current use and it has a detrimental impact on the landscape. A well-designed scheme could improve the area’s character and provide some open space. The area to the west behind the commercial uses is of a more open nature with an overall semi-urban character.”***

- 3.21. The SA summary states that ***“The site offers the opportunity for housing provision. The site is within the Green Belt but it makes a limited landscape character contribution in its current commercial use which is a bad neighbour due to existing noise and disturbance for nearby properties. Redevelopment would result in a new open space and the introduction of a strategic Green Belt buffer. Mitigation could include sustainable construction, energy efficiency measures, open space provision and links to sustainable travel options.”***
- 3.22. As such, it is clear that the Council considered that there were no overriding landscape reasons for settlement growth not to be considered in this location and that a portion of the Site was suitable for Green Belt release. It is also clear that the principles of the use for the remainder of the draft allocation and Appeal Site was to adhere to the principles outlined in Paragraph 145 of the NPPF.
- 3.23. It is evident therefore that the Council have previously accepted the principle that the Appeal Site has capacity in landscape terms to support some level of residential development which is further compounded by the consented 31 dwelling scheme allowed at appeal. The Appeal Proposals respond to and reflect the Council’s aspirations for the Site and includes a green buffer and strategic gap that retains and enhances the Green Belt function, making a positive contribution to the wider environment and character.
- 3.24. In addition, the Appeal Proposals are also in line with the Governments objectives with specific reference to Paragraph 137 and 145 of the NPPF as there will be permanence to the openness provided by the northern and western open space, and by positively enhancing the beneficial use, providing access, outdoor sport and recreation, retaining and enhancing landscapes, visual amenity and biodiversity, and improving damaged and derelict land.

#### **4. REVIEW OF THE APPLICATION AND THE PROPOSALS**

- 4.1. In this section I review the application and proposals and reference will be made to the submitted LVIA (**CD1.15**) as well as the submitted Landscape Strategy Plan (**CD1.16**), as helpful illustrative material consistent with the Parameter Plans that would be incorporated into the planning permission if granted.

##### **Overview of the Site**

- 4.2. The Appeal Site is located to the west of Upper Halliford Road (A244) and extends to approximately 4.84ha. The Appeal Site is characterised by several urbanising features within proximity, including a railway line, the Shepperton Community Recycling Centre and the M3 road corridor to the west of the Site. Existing residential built form is located to the northeast (which includes the recently redeveloped former Bugle Public House), south including Halliford Close and Bramble Close and east which includes the Grange Farm Estate. Halliford Park is located to the north east and land in use as rugby pitches to the south east. A small lake (created by past gravel extraction) is located to the north of the Site surrounded by established vegetation structure. The railway forms the western boundary beyond which is some open land, the large scale Community Recycling Centre and the M3 corridor.
- 4.3. The Appeal Site itself comprises two different areas: the eastern part of the Site, adjacent to Upper Halliford Road, is characterised by a residential property and number of commercial business units and consists of urban features including buildings, signage, hard standings, storage of materials, vehicle access and parking areas. There is evidence of derelict nursery related structures close to the Site frontage visible from Upper Halliford Road at the entrance to the Site.
- 4.4. The western part of the Site consists of several grassed paddocks, occasional trees and scattered scrub planting covering the central and western portions extending approximately 2.87ha. The paddocks are subdivided by a mix of post and rail and electric tape, reflecting equestrian use. A further area used for storage and movement of soil and other aggregates (grading and recycling) is located within the southwestern corner of the Site covering approximately 0.5ha. This land use results in the presence of heavy plant and associated noise and activity. An existing internal track leads from the commercial use area of the Site and bisects the grass paddocks linking the aggregates area with Upper Halliford Road.



- 4.5. The Site and its immediate setting are illustrated on Plan ASP2 contained within the submitted LVIA (**CD1.15**), and an annotated extract of which is included in **Figure CJB** below.



Above: **Figure CJB** Extract from ASP2 Site and Setting Plan.

- 4.6. The Appeal Site is highly contained both visually and physically by the neighbouring land uses including the railway line and associated vegetation structure and earth bunding to the west, the established mature treescape and vegetation structure associated with the lake to the north, the built form extending northwards along Upper Halliford Road beyond the north eastern corner of the Site, the extensive residential development to the immediate south and the existing bungalow and current storage areas in the eastern portion of the Site alongside the vegetation structure fronting Upper Halliford Road on the eastern Site boundary.
- 4.7. The proximity of PRoW FP19 running along the northern boundary allows for some localised short range views of the Appeal Site which alongside the existing vehicular access point part way along the eastern boundary provides the only opportunity for localised views into the Appeal Site. Where views into the Appeal Site are available from the public domain, the existing detracting land uses are apparent as is the adjacent urbanising components which influence the Site itself.



*Above: Photograph of the access into the Appeal Site viewed from Upper Halliford Road.*

- 4.8. Overall, the Appeal Site is visually and physically well contained as a result of the adjoining residential built form, railway line and intervening vegetation structure. The proximity of the existing surrounding residential development alongside the other urbanising components within the context and low quality, degraded brownfield uses of the eastern portion of the Appeal Site provides a settlement fringe / peri-urban character and clear urbanising influence on the Site. The Appeal Site makes a limited contribution to landscape character and the current bad neighbour uses are detrimental to the localised landscape character and streetscene of Upper Halliford Road.
- 4.9. As noted, the entire Appeal Site is located within the Metropolitan Green Belt which washes over much of the land to the north, east and south, however part of the Appeal Site is identified for Green Belt release within the emerging Local Plan. The current land uses and existing components of the Appeal Site itself offer limited benefit to the openness of the Green Belt and there are clear opportunities for enhancement that will provide localised landscape and character benefits through the remediation of the degraded elements on Site.
- 4.10. The high level of visual containment and existing components of the Site is demonstrated on the Photographic Record contained within Appendix 2 of the submitted LVIA (**CD1.15**). The full baseline situation and Appeal Site's setting is set out in section 3 of the submitted LVIA, paragraphs 3.1 – 3.7.

### **Overview of the Proposals & Landscape Strategy**

- 4.11. The application was outline with all matters reserved, except for access. The application was accompanied by a number of Parameters Plans (**CD1.24-1.27**) which were prepared by TP Bennett Architects and set out the parameters of the Appeal Proposals.



- 4.12. The Appeal Scheme is focussed on the previously developed part of the Site however the Proposals seek to 'rebalance' the Site by removing the aggregate recycling facility to the west and restoring this as open space. Furthermore, when compared with the consented appeal scheme, the Appeal Proposals seek to provide betterment via the removal of previously proposed built form in the north eastern portion of the Site which would extend across the full length of the eastern boundary and restoring this area as open space as well.
- 4.13. The proposed developable area extends further westwards as a result of the 'rebalancing' and in doing so provides landscape enhancements and improvements to the overall openness of the Site when compared to both the existing situation and that of the consented scheme. This seeks to provide an appropriate level of compensatory improvements to the environmental quality and accessibility of the remaining retained Green Belt land.
- 4.14. In addition to the Parameter Plans, an Illustrative Layout and Landscape Strategy Plan were prepared to illustrate an indicative layout of how up to 80 dwellings alongside the area of public open space could be incorporated within the Site. Whilst the layout was illustrative and the application was to be considered by the Parameter Plans, it is considered helpful in the appraisal of the landscape and visual effects and to ensure that an appropriate layout and scheme can be incorporated. The details of the layout and landscaping would form part of a future reserved matters submission but nevertheless the Landscape Strategy sets out the principles for the Site.
- 4.15. As set out on the Landscape Strategy Plan this seeks to identify the opportunities for landscape mitigation as well as the creation of landscaped public open space including the opportunity to introduce new native planting and areas of species rich wildflower grassland within the immediate context of the proposals. This sought to adhere to the principles for a landscape buffer and strategic gap as set out in the draft emerging Local Plan Site Allocation.
- 4.16. The Landscape Strategy Plan was appended to the submitted LVIA, and an extract is included in **Figure CJC** below. The landscape approach behind the proposals is set out under Paragraphs 4.9-4.16 of the submitted LVIA (**CD1.15**).



Above: **Figure CJC** Extract from ASP3 Landscape Strategy Plan.

4.17. The open space incorporating additional landscaping and development setback from the north allow for the retention and enhancement of the existing vegetation structure and is an integral component of the scheme that has driven the design response to achieve the emerging local plan policy objectives and LCA guidelines in respect of;

- ❖ Responding positively to local character and context.
- ❖ Respecting the character and appearance of the landscape, Green Belt and built environment.
- ❖ Removal of low quality bad neighbour uses that currently adds little to the localised character and its replacement with more in keeping residential built development and accessible open space.
- ❖ Removal of aggregate storage and recycling uses in the western end and the restoration of this and replacement with more appropriate landscaping.
- ❖ Creation of strategic gap and open space landscape buffer across the full length of the northern portion of the Site.
- ❖ Minimising effects upon visual amenity and the localised landscape character.
- ❖ Creation of development that is well integrated with the surrounding landscape and appropriate to the settlement setting which responds to the settlement pattern.

- ❖ Retention and enhancement of the existing boundary green infrastructure network.
- ❖ Provision of a net increase in native tree and hedge planting.
- ❖ Enhancing biodiversity and achieving net gains of over 10%
- ❖ Enhancing the existing grassland and boundary habitats through the design and long-term management of the space and level of public access.
- ❖ Ecologically sensitive landscape proposals and new habitat creation through a wider variety of landscape and open space typologies.
- ❖ Provision of enhanced pedestrian access around the Site and connectivity / access between the adjacent built-up areas and PRoW.

4.18. The landscape strategy for the scheme will result in a net increase in native tree and hedge planting and includes further positive benefits in terms of landscaping and biodiversity. Furthermore, it is clear that the removal of the bad neighbour uses, and creation of a more open landscape in the north eastern corner will benefit the streetscene, localised landscape setting and retain a green buffer across the north of the Site, providing improvements to the perception of openness currently appreciated.

4.19. The summary of the landscape approach and proposed layout identified that it has been carefully developed to ensure that a comprehensive scheme of landscaping can be achieved alongside the retention and enhancement of the boundary vegetation structure. Whilst the layout and landscape strategy are illustratively shown, it is considered that the full details of the proposed landscaping can be secured through an appropriately worded condition and the principles of the Landscape Strategy Plan are sound and can be applied.

## 5. COMPARISON WITH PREVIOUS APPEAL SCHEMES

### **Appeal for 31 Dwellings (Allowed) – Appeal B**

- 5.1. As noted, the principle of residential development on the Site is established. The Site benefits from an extant outline planning permission for the redevelopment of the Site for up to 31 dwellings (Ref: 20/00123OUT / APP/Z3635/W/21/3268661) that was allowed at appeal on 15th July 2021 (**CD10.1**).
- 5.2. A number of matters from the Inspector's decision are of particular relevance to this Appeal in terms of landscape and visual matters including.
- The principle of residential development on the Appeal Site is established.
  - The consented scheme did not constitute inappropriate development within the Green Belt due to it being contained within the area of previously developed land.
  - Visibility of the consented proposals from Upper Halliford Road and the PRow to the north can be successfully mitigated for through an appropriate landscaping mitigation response.
  - Removal of the existing bad neighbour use and remediation of the site was acknowledged to be a clear benefit of the proposals.
  - Residential development extending in close proximity to Upper Halliford Road and across the full width of the Site was considered acceptable.
  - The provision of public open space and landscape enhancements in the western portion of the Site which weighed in favour of the development and attached moderate weight.
- 5.3. This consented scheme included residential development extending across the full length of the eastern portion set back from Upper Halliford Road. The current Appeal Proposals do not extend across the full length and includes POS and landscape enhancements in the north eastern corner which allows for the landscape buffer, strategic gap and retention and improvement of the perception and level of openness. This seeks to provide an appropriate level of compensatory improvements to the environmental quality and accessibility of this portion of the Site and Green Belt land. This is a notable improvement in comparison to both the existing Site components and the consented scheme. The consented scheme layout extract is included below.





Above: **Figure CJD** Extract of consented scheme layout.

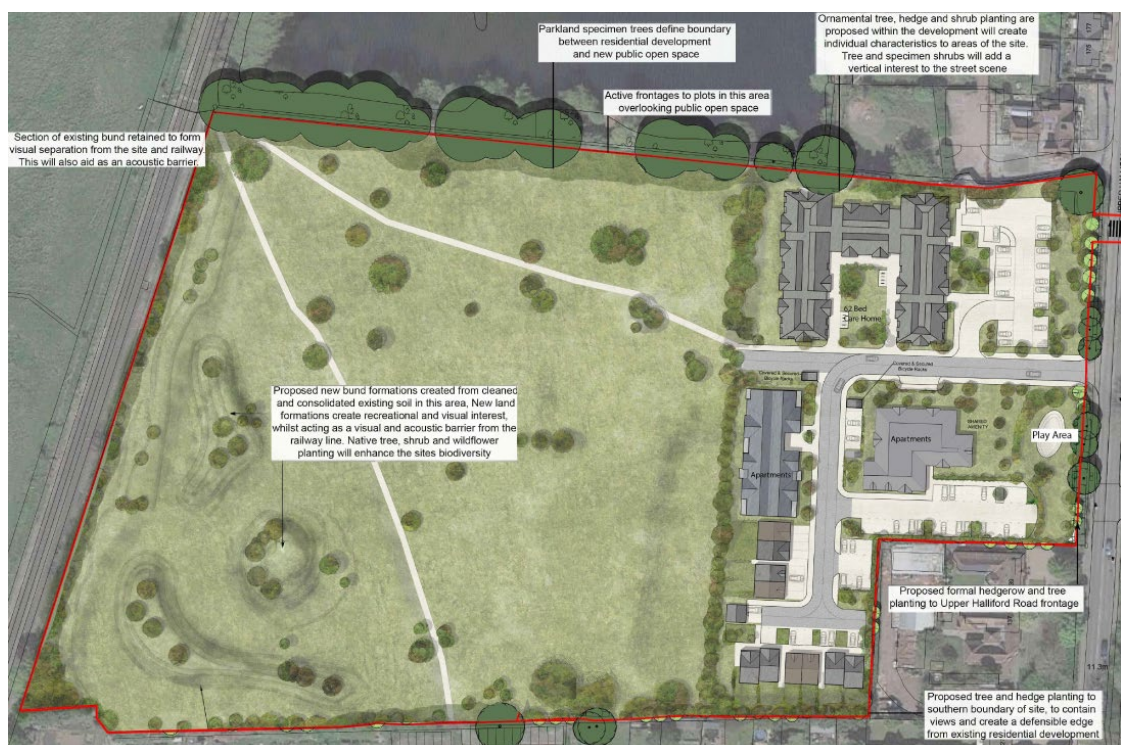
- 5.4. It is clear therefore that the current Appeal Scheme represents betterment in terms of openness over and above the consented scheme and that this aligns more closely with the Government's objectives (Paragraph 137) in terms of the openness and permanence achieved with specific regard to the north eastern portion. Furthermore, the Appeal Proposals also aligns with the requirement for local authorities to set out ways to offset the removal of land from the Green Belt through compensatory improvements to the environmental quality and accessibility (Paragraph 142).

#### **Appeal for 43 Dwellings & 62-bed Care Home (Dismissed) – Appeal A**

- 5.5. As already noted, there was a second linked appeal that was dismissed by the Inspector for up to 43 dwellings and a 62-bed care home (Ref: 19/01022/OUT / APP/Z3635/W/20/3252420 – Appeal A) (**CD10.1**). The Inspector concluded that this scheme, unlike the allowed appeal discussed above, was inappropriate development in the Green Belt and at that time, very special circumstances did not exist to overcome the harm to the Green Belt necessary to justify the development.
- 5.6. The perceived harm identified by the Inspector was principally due to the scale and height of the larger scale care home and apartment block located in close proximity to Upper Halliford Road. Paragraph 30 of the Inspector's Decision states; ***"Therefore, in***

***contrast to the current situation, the proposed developments would have a more permanent appearance, with a significant increase in built form, including the provision of residential paraphernalia and associated infrastructure. The effect of this would be considerably greater in Appeal A then Appeal B, principally due to the size and scale of the proposed care home and apartment block, and the development being located closer to the eastern boundary of the site."***

- 5.7. The Appeal Proposal are of a reduced scale in comparison to the dismissed appeal and proposes 2 storey residential properties that are of a comparative height and scale to that which exists in the locality. The Appeal Proposals do not include the larger massing and scale of the previously proposed care home and apartment block. This reduction in height and scale, alongside the limit to the developable area to in the north eastern corner will ensure the proposals are more compatible with the current context and minimises any harm to the perception of openness when viewed from Upper Halliford Road and the PRoW.
- 5.8. Furthermore, the current Appeal Proposal provide an enhanced perception of openness to the north and will ensure the permanence of this by virtue of the strategic landscaping and public open space proposed.



Above: **Figure CJE** Extract of dismissed appeal scheme layout.

- 5.9. It is noted that both the extant consented scheme and the dismissed appeal do not facilitate the aspiration of the Council set out in the draft emerging allocation as proposed development on both schemes is located within the north eastern corner. The Appeal Proposals seek to address and respond to this point and as such provides betterment in terms of the Green Belt function over and above the existing situation, the previous dismissed appeal and the consented appeal scheme.
- 5.10. It is clear therefore that the Appeal Proposals are more in line with the Council's own aspirations for the Site as well as creating a scheme that removes and regenerates the current bad neighbour low quality uses and creates a multifunctional greenspace that improves the perception of openness whilst maintaining the functions of the Green Belt.
- 5.11. The Appeal Scheme provides numerous benefits that will provide an improved state of openness that is considered to be in line with the Government's objectives – notably NPPF Paragraphs 137 and 145.

## 6. OVERVIEW OF THE LANDSCAPE AND VISUAL EFFECTS

### Appeal Site Landscape Character

- 6.1. The published character assessments represent a useful introduction to the wider landscape context in which the Appeal Site is set. To assess the potential effects of development upon the character of the Appeal Site and its immediate context, Aspect undertook its own assessment as part of the submitted LVIA (**CD1.15**), which has been informed by the Natural England, and Surrey landscape appraisals as well as a number of Site visits.
- 6.2. In terms of the localised published Surrey Landscape Character Assessment: Spelthorne District (April 2015) (**CD9.4**), and as set out in the submitted LVIA, the Appeal Site is located within the *RV3: River Valley Floor Character Area* and within the sub-character area of *Ash River Valley Floor*. The eastern part of the Appeal Site is located within the Urban Area which is not assessed as part of the Surrey assessment. The Appeal Site reflects many of the key characteristics of the Ash River Valley Floor sub-character area, including a level area of rough pasture, busy roads bordering the Site, views filtered by tree cover; and the Site being under the influence of heavy human influences which prevent a sense of remoteness.
- 6.3. By way of an overview, the submitted LVIA summarised that the Appeal Site is characterised by notable urban influences on three sides with adjacent housing development to the south, northeast and east: and the railway line, embankment and recycling facility separating the Site from open ground beyond the Site's western boundary. To the north of the Site, is a large tree lined lake (former gravel extraction) that provides a high level of visual and physical containment to the Site.
- 6.4. On the eastern half of the Site adjacent to Upper Halliford Road it is characterised by the commercial premises, signage, temporary structures and outbuildings, vehicle parking and areas of hard standing on the former Bugle Nurseries site. In addition to these commercial features, urbanising elements such as vehicle storage areas and vehicle movements, utilitarian boundary treatments, access track and the aggregates handling facility detract from the appearance of the Site and the immediate surrounding landscape. The paddock land to the west contains rough grassland and is more open however this portion of the Site is also characterised by the adjacent land uses which are notable and prominent components.



- 6.5. Overall, the Site is well enclosed with the railway line, surrounding built form and existing vegetation structure to the west, alongside the low lying setting and broadly level topography, creating a high level of visual and physical separation from the wider landscape and townscape, and as such the urbanising influences create a settlement fringe / peri-urban character with some areas of low quality, previously developed land being a notable detracting feature. The aggregate storage and recycling area to the west whilst not containing built form is a further detracting feature within the Appeal Site and includes storage areas, aggregate stockpiles and vehicular movements.
- 6.6. The degree of visual and physical containment and limited contribution to the wider landscape is agreed as a matter of common ground..

#### *Landscape Susceptibility*

- 6.7. In terms of landscape susceptibility, as set out in the submitted LVIA, I consider that the Appeal Site has a **Low** susceptibility to change as a result of the introduction of residential built form. The part previously developed land and principle of development within the eastern portion of the Site already being considered acceptable as part of the consented scheme also clearly identifies that the Site has a low landscape susceptibility. This is fully detailed in Paragraph 3.19 of the LVIA (**CD1.15**).

#### *Landscape Value*

- 6.8. In terms of landscape value, I consider that the Appeal Site is of **Low** value as set out in the submitted LVIA. This was based upon an assessment of various criteria and GLVIA3 Box 5.1 (**CD9.1**) which was not disputed as part of the original application and is illustrated in Table 1, Paragraph 3.21 within the submitted LVIA (**CD1.15**). I have also had regard to the LI TGN 02/21 (**CD9.2**) with regard to landscape value criteria and confirm that this does not alter the conclusions reached. It is well evidenced that the current uses are detrimental to localised landscape character, offering limited benefit in terms of openness and affect the value of the Site.
- 6.9. The Appeal Site and its local landscape setting is not covered by any qualitative landscape designations at a national or local level and is not considered to represent a “valued landscape” with reference to paragraph 174(a) of the NPPF.
- 6.10. It is clear therefore that the Appeal Site is not within or adjacent to a valued landscape, does not contain any landscape features or qualities that elevate it above ordinary

countryside and includes a number of low quality bad neighbour uses that are detrimental to the localised landscape value.

#### *Landscape Sensitivity*

- 6.11. Taking into account the value and susceptibility to development of the Appeal Site, it was concluded in the submitted LVIA that the landscape sensitivity is **Low** and has potential to accommodate sensitively designed change as a result of the type of development proposed.
- 6.12. The assessment of landscape susceptibility, landscape value and landscape sensitivity of the Appeal Site were not disputed by the Council during the course of the application or within any consultation response.

#### **Overview of Effect upon Character**

- 6.13. In terms of the effect of the proposals upon the character of the landscape, this assessment is set out in detail within the submitted LVIA (Section 5, **CD1.15**) and identified there will be no significant adverse effects on key characteristics and sensitivities of the relevant LCAs at a national, county and district scale and offers opportunities to provide benefits to localised character. In the interest of avoiding duplication of information contained within the GLVIA3 compliant LVIA I have provided a summary below.
- 6.14. In terms of the landscape character effects, the submitted LVIA identified that whilst some harm is acknowledged to the immediate landscape character of the Appeal Site itself as a result of the proposals, the harm is restricted to the Site only and reduces within the immediate setting and furthermore in the wider setting. This degree of harm on the Site itself is inevitable with all developments on part undeveloped land, however it is noted that a proportion of the proposed development is on brownfield land.
- 6.15. It is accepted that the appeal proposals would change the character of the Site, however, the development of the Site would not result in the loss of any important landscape features and would introduce a land use which is characteristic in this localised landscape setting and respects the settlement edge and Green Belt location, retaining and further enhancing a degree of openness to the north and providing landscape and other enhancements to the west.
- 6.16. The proposed developable area has been carefully considered so that it is located in the south eastern portion of the Site where it relates well to the adjacent residential built

form and is limited to the south of the current Site access road. Whilst new residential built form will be situated south of the access road and this represents a change, the current commercial and derelict uses, storage and paraphernalia offer little in the way of character and their replacement with a high quality residential scheme of comparable scale and type to that which currently exists in the immediate vicinity ensures this will not appear out of context and can be accommodated.

- 6.17. The existing residential property to the north of the Site access road is proposed to be demolished and the derelict brownfield uses behind will be replaced with publicly accessible open space and landscaping. This is considered to result in a betterment over the existing character, accords with the Council's aspirations for the Site with creation of a strategic gap and green buffer, and improves the level of openness as well as providing landscape character, biodiversity and streetscene enhancements.
- 6.18. The open space will extend across the full length of the northern boundary of the Site at circa 50m width and wrap around to the west which includes the removal of the access track, boundary fencing and the restoration of the aggregate recycling facility. The open space provides recreational uses and improvements to the pedestrian and cycle links including connectivity with the PRoW. It also presents opportunities to enhance biodiversity within the Site and increase connectivity with the local and wider green infrastructure including the lake in the north and Upper Halliford Park to the north east.
- 6.19. The LVIA summarise that Appeal Proposals will generate a medium magnitude of change within the Site, as residential development is not uncharacteristic in the immediate setting and the sensitivity of the landscape is low and so the proposals will give rise to an effect of **Moderate / Minor** beneficial significance.
- 6.20. The LVIA (**CD1.15**) concluded that the proposals can be accommodated without significant adverse effects upon the localised or wider landscape setting which the appellant maintains is an accurate assessment. The introduction of additional built form will inevitably result in a degree of landscape harm; however, this harm is limited and given the current Site uses the proposals result in betterment in terms of character despite the increase in built form. The Appeal Proposals will not result in significant harm to openness and will not diminish the overall openness of the Green Belt on the Site as contested by the Council. Rather the level of openness in the north eastern portion will be improved through the removal of the bungalow and brownfield uses, and

its replacement with publicly accessible open space that ensures its permanence is safeguarded.

- 6.21. I therefore conclude that the submitted LVIA provides a thorough and accurate assessment of the landscape effects and conclude that the Appeal proposals can be integrated without significant adverse effects upon the localised or wider landscape and a degree of openness of the Green Belt will be maintained via the inclusion of the strategic gap and open space across the north and west of the Appeal Site.

### **Visual Environment**

- 6.22. The LVIA was supported by a series of photographs from publicly accessible viewpoints to illustrate the visual environment within which the Appeal Site is set. The photographs were taken in April 2022 by Chartered Landscape Architects and illustrate the visual environment in which the Site is set. The photographs were taken using a 35mm equivalent digital SLR camera at a focal length of 50mm in line with current Landscape Institute guidelines and TGN 06/19 (**CD9.3**).
- 6.23. The Appeal Site is physically, and visually well contained and longer distance views of the Site are limited.
- 6.24. As an overview, views of the site are highly localised given the low lying nature of the Appeal Site, the relatively flat topography of the localised landscape, alongside the extent vegetation structure within the localised landscape. The degree of containment is further compounded by the extent of the built up areas to the north, east and south, which characterises the immediate local setting of the Appeal Site. As a result, views generally are only available from in closer proximity to the Site - along the main road corridor east and PRow north which bound the Site.
- 6.25. Where views of the Site are possible, for example along PRow, in these views, the Site is seen within the context of the wider urban area with backdrops of housing or urban infrastructure such as roads. The bad neighbour uses which effect the quality of the localised landscape are also evident, particularly from Upper Halliford Road.
- 6.26. There was no request for additional Viewpoints during the application process and it is considered that the selection of Viewpoints contained within the LVIA are representative of the Site and its landscape context.

## Overview of Effect upon Visual Environment

- 6.27. In terms of the effect of the proposals upon the appearance of the localised setting, the submitted LVIA undertook a detailed assessment of each viewpoint and the potential effect that the proposals would have within Section 5 (**CD1.15**). This was based on an established and robust methodology and is GLVIA3 compliant.
- 6.28. As an overview, the submitted LVIA concluded that the proposals can be integrated within this context and would not give rise to significant long term adverse effects upon the localised or wider visual environment, a conclusion which I support and is further demonstrated within the submitted Photographic Record.
- 6.29. It is acknowledged that the proposals would change the visual environment within the context of the Appeal Site. However, the proposals have been carefully developed to incorporate a large area of landscaped public open space that reflect the emerging draft Local Plan allocation for a strategic gap and includes substantial new landscaping offering localised landscape and biodiversity benefit. As the planting matures it would create a robust verdant setting for the proposed development and soften views of the built form within the immediate visual environment including from Upper Halliford Road and the PRow beyond the northern boundary. The type of development proposed is not unusual in this landscape context, with a variety of built form present to the north, south and east, characterising the localised setting. The proposals would be highly localised and would not be prominent over medium or long distances.
- 6.30. In terms of the visual environment, the LVIA acknowledged there would be a degree of change to a number of the closest Viewpoints, however, the inclusion of a carefully designed scheme with the developable area restricted to the south east and incorporation of extensive POS and landscaping in the northern and western portions helps to moderate the visual effects. This seeks to reflect the Council's ambition for an open strategic gap as set out in the emerging draft Local Plan Allocation (**CD6.1**) also maintains a perception of openness when viewed from the adjacent PRow and further enhances the perception of openness when viewed from Upper Halliford Road to the east with the removal of the residential dwelling and bad neighbour brownfield uses.
- 6.31. As identified by the visual assessment, views of the Site are localised as a result of a combination of low lying, broadly flat landform, existing mature vegetation structure and

existing built up settlement which characterises the immediate and local setting of the Site.

- 6.32. By way of an overview, the LVIA concluded that the Appeal Proposals will be highly localised and where they would be perceptible the proposals will generally be an improvement on the existing land use which is dominated by poorly maintained commercial units and car parking. Additionally, the open space and fields that presently exist on site will be opened with boundaries reduced and access increased. There will be a significant amount of new landscaping and tree planting to improve the setting for the new residential properties. While the proposals will result in a change in land use, and increase in built form, the new residential dwellings are in keeping with the existing context of neighbouring residences and will not harm the context of their setting, indeed it is considered that views from Upper Halliford Road, will be improved by the proposals.
- 6.33. Any reduction in the perception of openness as a result of the new built form south of the access road and within the south eastern portion of the Site will be visually softened and mitigated by appropriate landscaping and offset by the increased level of openness achieved along the northern boundary and improvements to the remaining Green Belt land.
- 6.34. In terms of the visual environment, the LVIA concluded that the proposals can be integrated without significant long term adverse effects to the receiving visual environment, a conclusion which I support.

## **7. ASSESSMENT ON OPENNESS OF THE GREEN BELT**

- 7.1. In terms of the effect of the Appeal Proposals upon the openness of the Green Belt and noting the principle of residential development on part of the Appeal Site has been established via the consented scheme, it is important to consider the main purposes of the Green Belt. Whilst the Mr Ledwidge is dealing with planning matters and covers this in more detail, there is some cross over with the landscape and visual implications and as such I deal with the matters below in terms of openness.
- 7.2. As noted and set out in Paragraph 137 of the NPPF the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.3. In terms of the five purposes set out in Paragraph 138 of the NPPF I provide an overview of the Appeal Proposals and effect on openness against each purpose.
- a) To check the unrestricted sprawl of large built-up areas.
  - b) To prevent neighbouring towns merging into one another.
  - c) To assist in safeguarding the countryside from encroachment.
  - d) To preserve the setting and special character of historic towns.
  - e) To assist regeneration, encouraging the recycling of derelict and other urban land.
- 7.4. It is considered that there is no conflict with criterion d) and e), and it is clear that the Appeal Proposal seek to assist regeneration via the reuse of and improvements to the damaged and derelict land.
- 7.5. In terms of the effect of the Appeal Scheme on criterion a) it is considered that the Appeal Proposals will restrict any potential “sprawl” due to the well-defined boundaries of the Appeal Site which will restrict the scale of growth and will not be affected. The Appeal Proposals seek to redefine the Green Belt via the inclusion of publicly accessible open space that will provide permanence to the Green Belt and further restrict growth beyond the proposed developable area. I consider the proposals provide a better resolution of the defined settlement edge than the existing situation and so do not create or contribute to the unrestricted sprawl of a large built-up area.
- 7.6. In terms of criterion b), it is clear that the introduction of further residential development will increase the level of built form on the Site, however due to this being restricted in the south eastern portion and the inclusion of a strategic gap and landscape buffer to

the north and west, it is considered that the function of the Green Belt to prevent neighbouring towns merging together will be maintained.

- 7.7. In terms of criterion c), it is acknowledged that the extension of proposed built form westwards beyond the extent of the previously developed land results in a degree of encroachment into the countryside. It is however considered the extent to which this will occur is marginal and only perceptible from highly localised locations. Furthermore, the offset to the encroachment includes notable benefits and improvements that seek to provide benefits and enhancements to the overall Green Belt within the locality including improvements to the openness and its permanence. Accordingly, while there is a very limited degree of encroachment in terms of undeveloped land beyond the settlement boundary being developed, there is also a clear rationalisation of where the countryside begins and the resolution of its land use and condition into the future as open space. These elements positively contribute to safeguarding the countryside from encroachment. It is also clear that the degree of encroachment (and wider benefits to the Green Belt proposed to offset the encroachment) has already been considered acceptable in principle by the Council as part of the allocation within the draft emerging Local Plan. As such I do not consider the very minor level of encroachment significantly affects openness nor does it alter the key purposes or fundamental aims of the Green Belt.
- 7.8. Turning to questions of openness and Green Belt function, there are number of published evidence base documents of relevance to the Appeal Site, most notably the Spelthorne Local Plan Green Belt Assessment Stage 3 Report, July 2022 (**CD6.6**). Within this report, the Appeal Site is identified under parcel HS1/009 and it is noted that the study acknowledges the existing previously developed land, urban influence and semi-urban character. The study also notes the sense of containment afforded to the Site.
- 7.9. The study identifies that the parcel performs poorly against purposes 3 and 4, is within the mid-range against purpose 1 and performs strongly against purpose 2 – to prevent neighbouring towns merging into one another. This is primarily due to the parcel forming an essential and very narrow gap between Ashford/Sunbury-on-Thames/Stamwell and Upper Halliford. The 'role in strategic function' part of the report for parcel HS1/009 also notes the potential opportunities of the Site for mitigation and enhancement and states that: ***"It is considered that overall the parcel plays a fundamental role with respect to the performance and integrity of the wider Green Belt. However, it is noted that the site consists of a high percentage of PDL and offers opportunity for***



***significant mitigation, in the form of enhancement of the green infrastructure and the creation of publicly accessible green space on the site.”***

- 7.10. The ‘potential mitigation’ part of the report notes that the release of the parcel in its entirety would notably weaken its role and function of the wider Green Belt, however it clearly acknowledges there are opportunities for development on a portion of the Site with public open space that would preserve the role of the Green Belt and maintain separation between Upper Halliford and Sunbury.
- 7.11. The final summary paragraph of the study states that: ***“If released in its entirety, the overall impact on the wider Green Belt function would be notable and its role weakened. If development is constrained to the south eastern area (including the previously developed land), the retention of the northern and western portions of the site for the creation of extensive new publicly accessible space would help to preserve the role of the Green Belt and help to maintain separation between Upper Halliford and Sunbury. Furthermore, the parcel would offer opportunities for extensive enhancement of the green infrastructure and biodiversity which it is considered necessary in order to go some way towards mitigating the loss of Green Belt as well as maintaining the perception of separation between settlements. The parcel offers opportunities to enhance the landscape to minimise views of railway to the rest and increase perceived connections to the wider countryside to the west.”***
- 7.12. The conclusions of the Green Belt Assessment Report have evidently fed into the emerging draft Local Plan allocation for the Site with Part A and Part B reflective of this approach. The aspiration and intention is not for the entirety of the Site to be released from the Green Belt and the developable area constrained to the south east with the north and western portions to be retained as Green Belt and enhanced as such. The Appeal Proposals also reflect the same approach, and it is considered that the Appeal Scheme can preserve the role of the Green Belt and maintain separation from Upper Halliford and Sunbury which would adhere to Purpose 2 of the Green Belt Assessment and criterion b) above.
- 7.13. When considering the effect upon openness there are two key aspects to consider – Visual and Spatial.
- 7.14. In terms of the visual aspect of openness and effect of the Appeal Proposal, firstly it is clear that visibility of the Site is restricted due to the high degree of containment

afforded to the Site and as such the visual implications upon openness are highly localised only. Visibility will be limited to the immediate adjoining section of Upper Halliford Road to the east (approx. 130m length) and the adjacent PRow running along the northern Site boundary. As set out in the submitted LVIA the visual effects are not considered to be significant and where views of the proposals will be seen these will result in a beneficial effect due to the current low quality components on the Site.

- 7.15. It is clear that when viewed from Upper Halliford Road, the introduction of new residential built form 2 storeys in height located to the south of the existing access road will be apparent as it will replace the existing single storey buildings, structures, vehicle parking, storage areas and other commercial paraphernalia. This will be seen within context of the existing residential properties immediately south and south east of the Site which characterise the road corridor and includes some open space on the eastern boundary that will include landscape mitigation to help soften views of the buildings. There will be an effect on the openness to this portion of the Site due to the increase in built form, albeit this represents an improvement in terms of the streetscene character and will not be significant.
- 7.16. Furthermore, the existing built form of the bungalow to the north of the access road alongside the hardstanding, storage areas and vehicle parking beyond will be removed and replaced with a high quality publicly accessible area of open space and landscaping. This will be a notable improvement to the perception of openness in this portion of the Site and will offset the effect of the proposed residential development to the south of the access road. It will also provide betterment to the existing function of the Green Belt to the north of the Site.
- 7.17. In terms of visual aspect of openness appreciated from the PRow to the north, it is clear that circa 100m of the total 270m length of the boundary between Upper Halliford Road and the railway line is already significantly impacted by the existing land uses and enclosing boundary treatments foreshortening and curtailing views and the perception of openness. These existing views are of urbanising components and the low quality current land uses. The Appeal Proposals will open up views and replace the current derelict, low quality and brownfield land uses with a high quality accessible area of open space including new landscaping and the new residential built form will be visible set back at least 50m from the PRow.
- 7.18. This will represent a notable change increasing the perception of openness as a result and providing enhancements to the eastern portion of the PRow. The western portion

of the PRow will represent a lower degree of change as the current view is of the paddocks with residential built form partially visible beyond the southern boundary and the previously developed land uses, storage areas, vehicle parking and paraphernalia evident in the views to the east. The replacement with a high quality residential scheme set back within the Site and beyond an area of improved open space will be perceptible, and the increase in built form will also be apparent. Whilst this represents a change the degree of openness will be enhanced by retaining open space along the full length of the northern boundary and providing additional landscaping that will assist in softening an integrating views of the built form. The aggregate recycling area will also be enhanced and restored, increasing the perception of openness to the west. It is considered the 'rebalancing' of the Site provides the appropriate level of mitigation necessary so that the increase in built form to the south east is offset by the enhancements to visual openness to the north and west.

- 7.19. It is considered that whilst there will be some change to the visual aspect of openness, this will be a betterment to the existing situation and the consented scheme by retaining additional land open in the northern portion of the Site, and as such would not result in substantial harm.
- 7.20. In terms of the spatial aspect of openness this relates to the volume of development, and extent of hardstanding reduction. The quantum of existing and proposed areas is set out within Section 6 of the submitted Design and Access Statement (DAS) (**CD1.6**) and the table extract is included below.

**Existing and Proposed Areas and Volumes**

	Existing	Proposed
Footprint**	1087 sqm	4147 sqm
Floor space	1087 sqm	6948 sqm
Volume***	3500.7cbm	25234 cbm
Hardstanding area****	9503 sqm	8541 sqm
Green space	33110 sqm	35337 sqm
Waste transfer	4346 sqm	0 sqm
Adopted Highways	283 sqm	283 sqm

\*'Floor space', 'Volume', 'Hardstanding area' and 'Green space' are indicative and approximate.

\*\*Footprint includes any residential buildings and garages.

\*\*\*Volume calculation includes houses, maisonettes and garages but excludes car ports, substation and all roof spaces.

\*\*\*\*Hardstanding area includes roads, paths, car parking and driveways, cycle stores and substation.

- 7.21. It is clear that whilst there will be an increase in the footprint, floor space and volume of the built form that will affect the spatial openness. There will also be a reduction in hardstanding and the waste transfer area will be removed. Combined with the overall increase in the extent of green space this effectively offsets the increase in spatial openness. It should also be noted that the distribution and location of the built form will also affect the spatial aspect of openness, and this contains the built form within the south eastern portion and reduces it within the northern and western portions of the Site to allow for betterment to the perception of both visual and spatial openness of the Site which in turn results in enhancements to the function of the Green Belt.
- 7.22. In addition, it is important to note that there are a number of benefits in terms of openness as a result of the Appeal Proposal. These are included to offset the 'rebalancing' of the developable area and should be considered alongside the effect upon openness as a result of the increase in development and are set out below.
- Removal of the bad neighbour uses.
  - Remediation of the land including the aggregate recycling facility and the northern portion of the previously developed land.
  - Returning the majority of the land to an improved state of openness.
  - Enhanced landscaping and green infrastructure providing landscape, ecological and localised character improvements
  - Biodiversity enhancements and habitat connectivity.
  - Provision of a multi-functional public open space with public benefits including new and enhanced walking / cycling routes, links with the PROW network and recreational uses.
  - Landscape mitigation to minimise and reduce visual effects.
  - Removal of built form north of the access road, replacing it with open space and landscaping providing enhancements to the degree of openness, improved visual links and green infrastructure connectivity.
  - Retains and enhances the separation between settlements and provides permanence to this separation.
  - Improves on the current perception of the visual aspect of openness.
  - Improves the current degraded character and streetscene viewed from Upper Halliford Road
- 7.23. Overall, it is evident that the numerous wider benefits of the Appeal Proposal result in betterment in terms of visual and spatial openness and the perception of openness,

particularly within the northern portion of the Appeal Site and when viewed from Upper Halliford Road and the PRow. This improved state of openness will be a notable benefit to the Green Belt function in this location over and above that of its current function.

- 7.24. It is clear that the Appeal Proposals are also in line with the Government's objectives with specific reference to Paragraph 137 of the NPPF as there will be improvements to the north eastern portion of the Appeal Site enabling permanence to the openness of the Green Belt provided by the introduction of high quality open space and landscaping that extends across the full length of the northern portion of the Site and wrapping around to the west.
- 7.25. The Appeal Proposals have sought to reflect the emerging draft LP allocation and having regard to Paragraph 142 of the NPPF which requires local authorities, as part of the revision of Green Belt boundaries to: ***"set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land."*** It is clear that the Appeal Scheme is in accordance with the emerging draft LP allocation and supports this.
- 7.26. It is also evident that the Appeal Proposal are entirely in line with Paragraph 145 with scheme positively enhancing the beneficial use of the Green Belt, by providing access, outdoor sport and recreation, retaining and enhancing landscapes, visual amenity and biodiversity, and improving damaged and derelict land.
- 7.27. In terms of the exceptions to inappropriate development in the Green Belt, Paragraph 149(g), it is considered that the Appeal Proposals are aligned with the second point and do not cause substantial harm to the openness of the of Green Belt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area.
- 7.28. As such whilst some change to the current Green Belt is anticipated, and it is acknowledged that there is an element of encroachment, albeit very minor, the Appeal Scheme provides numerous benefits that will provide an improved state of openness and is entirely in line with the Government's objectives (notably NPPF Paragraphs 137, 145 and 149g) as well as the Council's own aspirations for the Site set out in the emerging draft LP allocation.

- 7.29. It is concluded that the Appeal Proposals do not cause substantial harm to openness of the Green Belt.

## 8. SUMMARY AND CONCLUSIONS

- 8.1. My name is Chris Jenkinson, and I am an Associate Director at Aspect Landscape Planning Ltd. I am a Chartered Member of the Landscape Institute (CMLI).
- 8.2. I am instructed by Angle Property (RLP Shepperton) LLP (“the Appellant”) to provide specialist landscape and visual evidence for the public inquiry in respect of land at Bugle Nurseries on Upper Halliford Road, Shepperton. The Appeal relates to an outline planning application 22/01615/OUT on land at Bugle Nurseries, Upper Halliford Road, Shepperton.
- 8.3. The application was supported by a Landscape and Visual Impact Assessment (LVIA) (**CD1.15**) that was drawn up and accords with GLVIA3, which fed into and informed the development of the layout to ensure a landscape led approach is achieved. At no time has the Council challenged the methodology within the LVIA during the application, the conclusions of which I support.
- 8.4. The principle of residential development on the Site is established and there is consent of the redevelopment of the Site for up to 31 dwellings (Ref: 20/00123OUT / APP/Z3635/W/21/3268661). The consented scheme did not constitute inappropriate development within the Green Belt as the development was contained to the area of previously developed land within the Site.
- 8.5. In addition, the Appeal Site has also been identified as an appropriate location for potential expansion within the emerging draft Local Plan (**CD6.1**) which includes a strategic gap to maintain openness to the north and west, which the Appeal seeks to reflect.
- 8.6. It is common ground between the Council and the Appellant that the Appeal Site’s contribution to the wider landscape is limited due to the current degraded and bad neighbour uses and the visually and physically enclosed nature of the Site, and that the proposed development will not result in significant adverse effect on landscape at either a national or district level.
- 8.7. The LVIA concluded that the proposals can be accommodated without significant adverse effects upon the localised or wider landscape setting which the appellant maintains is an accurate assessment.

- 8.8. Whilst it is acknowledged that the proposals would change the visual environment within the context of the Appeal Site, the proposals have been carefully developed to incorporate a large area of landscaped public open space that reflect the emerging draft Local Plan allocation for a strategic gap and includes substantial new landscaping offering localised landscape and biodiversity benefit.
- 8.9. In terms of the visual environment, the LVIA (**CD1.15**, Section 6) concluded that the proposals can be integrated without significant long term adverse effects to the receiving visual environment, a conclusion which the appellant maintains.
- 8.10. The landscape and visual impacts of the proposals are localised and very limited due to the ordinary and degraded nature of the landscape and strong visual containment of the Appeal Site.
- 8.11. In terms of openness it is considered that whilst there will be some change to the visual aspect of openness, this will be a betterment to the existing situation and the consented scheme by retaining additional land open in the northern portion of the Site and securing its openness and use as open space into the future. In terms of spatial openness whilst there will be an increase in the footprint, floor space and volume of the built form that will affect the spatial openness, there will also be a reduction in hardstanding and the waste transfer area will be removed, and the built form will be disposed in such a way as to reduce the impact of the development on the openness of the Green Belt. Combined with the overall increase in the extent of green space and the 'rebalancing' of the Site to contain development to the south east, this effectively offsets the impact on spatial openness.
- 8.12. Overall, it is evident that the numerous wider benefits of the Appeal Proposal result in betterment in terms of visual and spatial openness and the perception of openness, particularly within the northern portion of the Appeal Site and when viewed from Upper Halliford Road and the PRow. This improved state of openness will be a notable benefit to the Green Belt function in this location over and above that of its current function.
- 8.13. The Appeal Proposals seek to respond to and reflect the Council's own aspirations for the Site set out in the emerging draft LP allocation which makes better use of the current Site and secures enhancements to the Green Belt.
- 8.14. In addition, the Appeal Proposals are in line with the Government's objectives with specific reference to Paragraph 137 and 145 of the NPPF as there will be permanence



to the openness provided by the northern and western open space, and by positively enhancing the beneficial use, providing access, outdoor sport and recreation, retaining and enhancing landscapes, visual amenity and biodiversity, and improving damaged and derelict land.

- 8.15. In conclusion, in my professional opinion, the proposals can be integrated without significant harm to the character or appearance of the landscape or substantial harm to the openness of the Green Belt. The proposals will not cause an unacceptable level of visual intrusion beyond the boundaries of the Appeal Site and will provide benefits to the existing degraded nature of the Appeal Site. The inclusion of the landscape buffer and strategic gap to the north and west will maintain and enhance the level of openness and permanence to this when viewed from Upper Halliford Road to the east.
- 8.16. It is concluded that the proposals are supportable from a landscape and visual perspective. I therefore respectfully request that the appeal be upheld, and planning permission granted.

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